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Appn. No. 09/943,883
Amendment dated December 12, 2006
Reply to Office Action mailed September 12, 2006

DEC 12 2006

Amendments to the Drawings

The attached sheet of drawings includes a new Figure 4. This sheet is thus in addition to the sheets having Figures 1 through 3 of the original filing.

Attachment: New Sheet

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REMARKS

Reconsideration is respectfully requested.

Claims 2 through 9 and 24 through 39 remain in this application. Claims 1, 10 through 23, and 28 have been cancelled. Claims 24 through 27 have been withdrawn. No claims have been added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Paragraph 2 of the Office Action

The drawings have been objected to.

Submitted with this amendment is a new sheet of drawings having Figure 4 thereon that includes depiction of the elements in claim 1 (now cancelled).

An amendment of the "Brief Description of the Drawings" has been made in the specification to correspond to the amendment of the drawings, and the specification has been amended to include the recitation of claim 1 as originally filed (the claim forms part of the original disclosure).

In light of the proposed drawing amendment, it is therefore submitted that the objection to the drawings as originally filed has been overcome, and withdrawal of the objection to the drawings is respectfully requested.

Paragraph 3 and 4 of the Office Action

Claims 1 through 9, 23 through 27 and 29 through 39 have been rejected under 35 U.S.C. §112 (second paragraph) as being indefinite.

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Claim 1 has been cancelled, and therefore the portions of the rejection directed to the elements of claim 1 are submitted to be moot.

With respect to claim 3, the specification has been amended to include support for the matter of claim 6 as originally filed. It is submitted that Figure 1 depicts the sending in the notification in a parallel manner (although the lines to the users are not literally parallel, it is submitted that one of ordinary skill in the art recognizes that the depiction in Figure 1 the send of communication in a parallel, individual manner).

Withdrawal of the §112 rejection of claims 2 through 9, 23 through 27 and 29 through 39 is therefore respectfully requested.

Paragraph 1 of the Office Action

Claims 1 through 9 and 29 through 39 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Bezos.

Claim 35 requires, in part, “an accumulator module configured to accumulate any orders from the other selected users in response to the notification and *configured to provide any accumulated orders to the originating user for approval by the originating user to be submitted via the network connection*” (emphasis added).

It is asserted in the rejection of the Office Action that:

Bezos discloses an electronic retail system comprising a notification module, e.g. 36-38, and an accumulator, e.g. Fig. 4, 152. Bezos does not explicitly disclose a data entry device. However, Bezos does disclose, e.g. col. 4, lines 57-67, a mechanism for making a purchase order.

While it is alleged in the rejection that the Bezos patent discloses the claimed accumulator, it is submitted that the Bezos patent does not disclose “an accumulator module configured to accumulate any orders from the other selected users *in response to the notification*” and does not disclose “an accumulator module... configured to provide any accumulated orders to the

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originating user for approval by the originating user to be submitted via the network connection". More specifically, the system of the Bezos patent is directed to providing information to other persons in the community about purchases that have been completed. See, for example, col. 7, lines 36 through 44 of Bezos, which states (emphasis added):

The sign-up page also includes check boxes 36 38 for allowing users to participate in the Contact Information Exchange, Hotseller Notification, and Purchase Notification services, respectively. In each case, the user may select a corresponding link 40 42 to an associated form page (not shown) to limit participation to specific communities and/or product categories. Each user may also be given the option to expose his or her purchases and/or contact information to others on a user-by-user basis.

Not only does this portion suggest to one of ordinary skill in the art that the user's purchases have already been completed, there is no indication whatsoever that the user has any ability to approve of any other purchases, even if this option is selected. It is submitted that the Bezos patent, if anything, could only lead one of ordinary skill in the art away from the claimed invention and the requirement of "an accumulator module... configured to provide any accumulated orders to the originating user for approval by the originating user to be submitted via the network connection" as required by claim 35. Neither the rejection of the Office Action, nor an inspection of the disclosure of the Bezos patent, reveals anything in Bezos that would lead one of ordinary skill in the art to this requirement.

Further, claim 35 also requires "a notification module configured to provide a notification to other selected users *when the order is created by the originating user*". As evidenced by the above, the Bezos system does not provide any indication to others in the community that a purchase has been made by another in the community until after the purchase has been completed.

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Clearly the Patent Office recognizes this significant gap in the disclosure of Bezos, as the rejection further states:

Official Notice is taken that Applicant's data entry device, notification system and accumulator have been common knowledge in the art prior to Applicant's filing date. To have provided Bezos a data entry device and accumulator for approval by an originating user would have been obvious to one of ordinary skill in the art in view of Official Notice.

Applicant challenges the Patent to provide evidence that these elements of the claimed invention are "common knowledge" as asserted in the rejection, and also, even if these elements are assumed to be common knowledge for the purpose of argument only, how they would lead one of ordinary skill in the art to the claim requirement of "an accumulator module... configured to provide any accumulated orders *to the originating user for approval by the originating user* to be submitted via the network connection". It appears that this argument is based upon an assumption that if the elements are known, a (seemingly unrelated) function becomes obvious.

It is therefore submitted that the Bezos patent set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claims 1 and 35. Further, claims 2 through 7 and 29 through 34, which depend from claim 1, claim 8, which depends from claim 7, claim 9, which depends from claim 8, and claims 36 through 39, which depend from claim 35 also include the requirements discussed above and therefore are also submitted to be in condition for allowance.

Added claim 40 requires that "the notification sent by the notification module to the other selected users is performed before the order is submitted for fulfillment". It is noted that the Bezos patent discusses a system in which the notification of other persons in the community occurs (as noted above) *after* the order has been submitted, as evidenced in the Bezos patent at col. 2, line 63 through col. 3, line 16 (emphasis added):

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In accordance with another aspect of the invention, a service is provided for notifying users interested in particular products of other users that have purchased the same or similar products. In one embodiment, the service is implemented by providing user contact information on product detail pages. For example, when a user views a product detail page for a particular product (such as a kayak), the detail page may be customized to include the names and email addresses of other members of the user's community (such as a kayaking club) that recently purchased the same product. If any of these other members is online, the user may be presented the option to send an instant message or otherwise chat online with such members. In one implementation, users can opt to expose their contact information to other community members (and thus participate in the service) on a community-by-community basis. A variation of this service involves notifying users interested in particular merchants (e.g., sellers on an online auction site) of the contact information of other users (preferably fellow community members) that have engaged in business with such merchants.

In view of the above portion of the Bezos patent, it is submitted that one of ordinary skill in the art would clearly understand that any notification occurs *after* a purchase has been made, and thus after the order has been submitted.

Withdrawal of the §103(a) rejection of claims 2 through 9 and 29 through 39 is therefore respectfully requested.

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CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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